

SENATE BILL NO. 54

INTRODUCED BY G. ROUSH

BY REQUEST OF THE STATE ADMINISTRATION, PUBLIC RETIREMENT SYSTEMS, AND VETERANS'

AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN INDIVIDUAL ~~OR DEPENDENT OF THAT~~
INDIVIDUAL WHO HAS RECEIVED OR MAY RECEIVE A MONTANA RESIDENT HUNTING, FISHING, OR
TRAPPING LICENSE BY VIRTUE OF MEMBERSHIP IN THE REGULAR ARMED FORCES OF THE UNITED
STATES TO POSSESS, APPLY FOR, OR RECEIVE THAT RESIDENT LICENSE NOTWITHSTANDING
POSSESSION, APPLICATION FOR, OR RECEIPT OF RESIDENT HUNTING, FISHING, OR TRAPPING
PRIVILEGES IN ANOTHER STATE ALSO BY VIRTUE OF MEMBERSHIP IN THE REGULAR ARMED FORCES
OF THE UNITED STATES; ~~AUTHORIZING ISSUANCE OF LICENSES; PROVIDING IMMUNITY FROM~~
~~PROSECUTION~~; AMENDING SECTION 87-2-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-2-102, MCA, is amended to read:

"87-2-102. Resident defined. In determining whether a person is a resident for the purpose of
issuing resident ~~fishing~~, hunting, fishing, and trapping licenses, the following provisions apply:

(1) (a) A member of the regular armed forces of the United States, a member's dependent, as
defined in 15-30-113, who resides in the member's Montana household, or a member of the armed forces
of a foreign government attached to the regular armed forces of the United States is considered a resident
for the purposes of this chapter if:

~~(a)~~(i) the member was a resident of Montana under the provisions of subsection (4) at the time
the member entered the armed forces and continues to meet the residency criteria of subsections (4)(b)
through (4)(e); or

~~(b)~~(ii) the member is currently stationed in and assigned to active duty in Montana, has resided
in Montana for at least 30 days, and presents official assignment orders and proof of completion of a
hunter safety course approved by the department, as provided in 87-2-105, or a certificate verifying the

1 successful completion of a hunter safety course in any state or province. The 30-day residence
2 requirement is waived in time of war. Reassignment to another state, United States territory, or country
3 terminates Montana residency for purposes of this section, except that a reassigned member continues
4 to qualify as a resident if the member's spouse and dependents continue to physically reside in Montana
5 and the member continues to meet the residency criteria of subsections (4)(b) through (4)(e). The
6 designation of Montana by a member of the regular armed forces as a "home of record" or "home of
7 residence" in that member's armed forces records does not determine the member's residency for
8 purposes of this section.

9 ~~(b) (i) A member of the regular armed forces of the United States or a member's dependent, as~~
10 ~~defined in 15-30-113, who is otherwise considered a Montana resident pursuant to this section~~ SUBSECTION
11 ~~(1)(A)(i) does not forfeit that status as a resident because the member or dependent, by virtue of that~~
12 ~~membership or dependency, also possesses, has applied for, or has received resident hunting, fishing, or~~
13 ~~trapping privileges in another state or country.~~

14 ~~—— (ii) Subsection (1)(b)(i) is intended to authorize the issuance of a license to and prevent the~~
15 ~~prosecution of a member of the regular armed forces of the United States, or a member's dependent, who:~~

16 ~~—— (A) possesses, has applied for, or has received a resident hunting, fishing, or trapping license in~~
17 ~~Montana before [the effective date of this act] and who possesses, applies for, or receives resident~~
18 ~~hunting, fishing, or trapping privileges in another state or country after [the effective date of this act];~~

19 ~~—— (B) possesses, has applied for, or has received resident hunting, fishing, or trapping privileges in~~
20 ~~another state or country before [the effective date of this act] and who possesses, applies for, or receives~~
21 ~~a resident hunting, fishing, or trapping license in Montana after [the effective date of this act];~~

22 ~~—— (C) possesses, applies for, or receives resident hunting, fishing, or trapping privileges or a license~~
23 ~~for those activities in Montana and in another state or country after [the effective date of this act];~~

24 (2) A person who has physically resided in Montana as the person's principal or primary home or
25 place of abode for 180 consecutive days and who meets the criteria of subsection (4) immediately before
26 making application for any license is eligible to receive resident hunting, fishing, and trapping licenses. As
27 used in this section, a vacant lot or a premises used solely for business purposes is not considered a
28 principal or primary home or place of abode.

29 (3) A person who obtains residency under subsection (2) may continue to be a resident for
30 purposes of this section by physically residing in Montana as the person's principal or primary home or

1 place of abode for not less than 120 days a year and by meeting the criteria of subsection (4) prior to
2 making application for any resident hunting, fishing, or trapping license.

3 (4) In addition to the requirements of subsection (2) or (3), a person shall meet the following
4 criteria to be considered a resident for purposes of this section:

5 (a) the person's principal or primary home or place of abode is in Montana;

6 (b) the person files Montana state income tax returns as a resident if required to file;

7 (c) the person licenses and titles in Montana as required by law any vehicles that the person owns
8 and operates in Montana;

9 (d) except as provided in subsection (1)(b), the person does not possess or apply for any resident
10 hunting, fishing, or trapping licenses from another state or country or exercise resident hunting, fishing,
11 or trapping privileges in another state or country; and

12 (e) if the person registers to vote, the person registers only in Montana.

13 (5) A student who is enrolled full-time in a ~~post-secondary~~ postsecondary educational institution
14 out of state and who would qualify for Montana resident tuition or who otherwise meets the residence
15 requirements of subsection (2) or (3) is considered a resident for purposes of this section.

16 (6) An enrollee of a job corps camp located within the state of Montana is, after a period of 30
17 days within Montana, considered a resident for the purpose of making application for a fishing license as
18 long as the person remains an enrollee in a Montana camp.

19 (7) A person who does not reside in Montana but who meets all of the following requirements is
20 a resident for purposes of obtaining hunting and fishing licenses:

21 (a) The person's principal employment is within this state and the income from this employment
22 is the principal source of the applicant's family income.

23 (b) The person is required to pay and has paid Montana income tax in a timely manner and proper
24 amount.

25 (c) The person has been employed within this state on a full-time basis for at least 12 consecutive
26 months immediately preceding each application.

27 (d) The person's state of residency has laws substantially similar to this subsection (7).

28 (8) An unmarried minor is considered a resident for the purposes of this section if the minor's
29 parents, legal guardian, or parent with joint custody, sole custody, or visitation rights is a resident for
30 purposes of this section. The minor is considered a resident for purposes of this section regardless of

1 whether the minor resides primarily in the state or otherwise qualifies as a resident. The resident parent
2 or guardian of the minor may be required to show proof of the parental, guardianship, or custodial
3 relationship to the minor.

4 (9) A person is not considered a resident for the purposes of this section if the person:

5 (a) claims residence in any other state or country for any purpose; or

6 (b) is an absentee property owner paying property tax on property in Montana.

7 (10) A license agent is not considered a representative of the state for the purpose of determining
8 a license applicant's residence status."

9

10 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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